

AGENDA

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

**August 1, 2006
Aldermen Pinard, Thibault,
Smith, DeVries, Long**

**Upon Recess of BMA
Aldermanic Chambers
City Hall (3rd Floor)**

1. Chairman Pinard calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman Pinard advises that Ordinances are to be considered for consistency with the rules of the Board, and required laws, and requests the Clerk to make a presentation relative to the Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”
4. Chairman Pinard advises that a presentation having been made, if all is in order, a motion is in order to advise that the Ordinances presented are properly enrolled.
5. If there is no further business, a motion is in order to adjourn.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration that Ordinances:

“Amending Sections 33.024, 33.025, & 33.026 (Painter) of the Code of Ordinances of the City of Manchester.”

“Amending 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

ought to pass.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has approved Ordinance:

"Amending Sections 33.024, 33.025 and 33.026 (Painter) of the Code of Ordinances of the City of Manchester."

providing for the establishment of a new class specification, Painter, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote; Alderman Garrity absent)

Respectfully submitted,

L. H. Pinard

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen

held June 6, 2006 on a motion of Ald. O'Neil

and seconded by Ald. Pinard the report

of the Committee was accepted and its recommendations

(adopted) ~~(denied)~~

L. H. Pinard
City Clerk

City of Manchester
New Hampshire

five

In the year Two Thousand and

AN ORDINANCE

“Amending Sections 33.024, 33.025 & 33.026 (Painter) of the Code of Ordinance of the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,
as follows:

SECTION 33.024 CLASSIFICATION OF POSITION be amended as follows:

Establish new classification, Painter

SECTION 33.025 COMPENSATION OF POSITION be amended as follows:

Establish Painter, Grade 13, non-exempt

SECTION 33.026 CLASS SPECIFICATIONS be amended as follows:

Establish new class specification, Class Code 5234, Painter, (See attached).

This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

DRAFT



City of Manchester, New Hampshire

Class Specification

This is a class specification and not an individualized job description. A class specification defines the general character and scope of responsibilities of all positions in a job classification, but it is not intended to describe and does not necessarily list every duty for a given position in a classification.

| | |
|--------------------------|---------|
| Class Title | Painter |
| Class Code Number | 5234-13 |

General Statement of Duties

Performs a variety of skilled painting work on city-owned property and equipment; performs directly related work as required.

Distinguishing Features of the Class

The principal function of an employee in this class is to perform various skilled painting work on municipal buildings. The work is performed under the supervision and direction of an assigned supervisor but considerable leeway is granted for the exercise of independent judgement and initiative. The nature of the work performed requires that an employee in this class establish and maintain effective working relationships with other City employees, outside contractors and the public. The principal duties of this class are performed in various indoor and outdoor work areas, with potential personal hazards.

Examples of Essential Work (illustrative only)

- Cleans and prepares materials to be painted by scraping, removing loose putty, filling cracks, removing broken glass;
- Paints the interior and exterior of buildings using brushes, spray guns, paint rollers or other painting tools;
- Repairs walls and ceilings;
- Applies sealant to exterior finishes and removes graffiti, applying chemical solvents as necessary;

- Paints rain gutters, signs and a variety of equipment;
- Varnishes and paints furniture;
- Mixes and matches paints;
- Orders and picks up supplies and other materials;
- Drives vehicles as required to complete tasks, transporting ladders and scaffolding;
- Provides needed information and demonstrations concerning how to perform certain work tasks to new employees in the same or similar class of positions;
- Keeps immediate supervisor and designated others fully and accurately informed concerning work progress, including present and potential work problems and suggestions for new or improved ways of addressing such problems;
- Attends meetings, conferences, workshops and training sessions and reviews publications and audio-visual materials to become and remain current on the principles, practices and new developments in assigned work areas;
- Responds to citizens' questions and comments in a courteous and timely manner;
- Communicates and coordinates regularly with appropriate others to maximize the effectiveness and efficiency of interdepartmental operations and activities;
- Performs other directly related duties consistent with the role and function of the classification.

Required Knowledge, Skills and Abilities (at time of appointment)

- Thorough knowledge paints, varnishes, shellacs, fillers and graffiti removal chemicals;
- Thorough knowledge of methods, techniques, equipment, tools and materials used in painting practices;
- Thorough knowledge of brush and spray painting;
- Good knowledge of wall and ceiling repair;
- Good knowledge of safety practices used in painting and maintenance functions;
- Ability to work from ladders and scaffolding;
- Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language;
- Ability to understand and follow oral and/or written policies, procedures and instructions;
- Ability to use logical and creative thought processes to develop solutions according to written specifications and/or oral instructions;
- Ability to perform a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines;
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology;
- Integrity, ingenuity and inventiveness in the performance of assigned tasks.

Acceptable Experience and Training

- Graduation from High School or possession of a GED; and
- Three years experience as a professional painter or as a journeyman painter.

Required Special Qualifications

- Valid New Hampshire's Drivers License;

Essential Physical Abilities

- Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, which permits the employee to communicate effectively;
- Sufficient vision or other powers of observation, with or without reasonable accommodation, which permits the employee to monitor and repair HVAC systems;
- Sufficient manual dexterity with or without reasonable accommodation, which permits the employee to operate hand and power tools;
- Sufficient personal mobility and physical reflexes, with or without reasonable accommodation, which permits the employee to work on and set up staging, ladders or other devices to safely work above ground level and access equipment and to be able to stoop, kneel, crouch, stand, walk, push, climb and grasp repetitively.

Approved by: _____ Date: _____

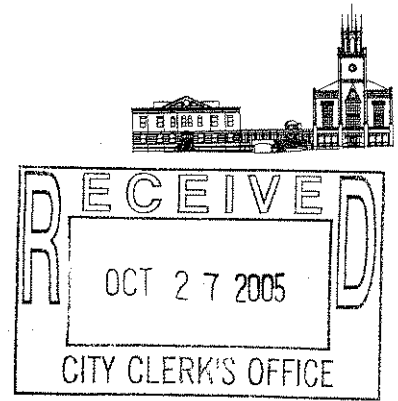


CITY OF MANCHESTER

Human Resources Department

One City Hall Plaza
Manchester, New Hampshire 03101-4000
Tel: (603) 624-6543 (V/TTY) • Fax: (603) 628-6065

October 12, 2005



Alderman William Shea, Chairperson
Human Resource and Insurance Committee
City of Manchester
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Requests for New Classification and New Positions

Dear Alderman Shea and Members of the Committee:

On behalf of Tim Clougherty, Chief Facilities Manager, and Frank Thomas, Highway Director, I am requesting the establishment of a new class specification Painter, salary grade 13. In addition, I am requesting the establishment of two Painter positions.

Apparently years ago, the City had several painter positions. Those positions no longer exist. Due to the fact that there will be a need to maintain the new construction in the schools from the Design Build project, it has been determined that there will be a need to employ at least two full time Painters. Therefore, we have developed a new and updated class specification with the title of Painter. I am attaching a copy of the proposed class specification for your review and information. I am also attaching a copy of an updated organization chart for the Facilities Division. Funds are available in the Facilities budget to support these positions.

Your favorable approval of these requests would be greatly appreciated.

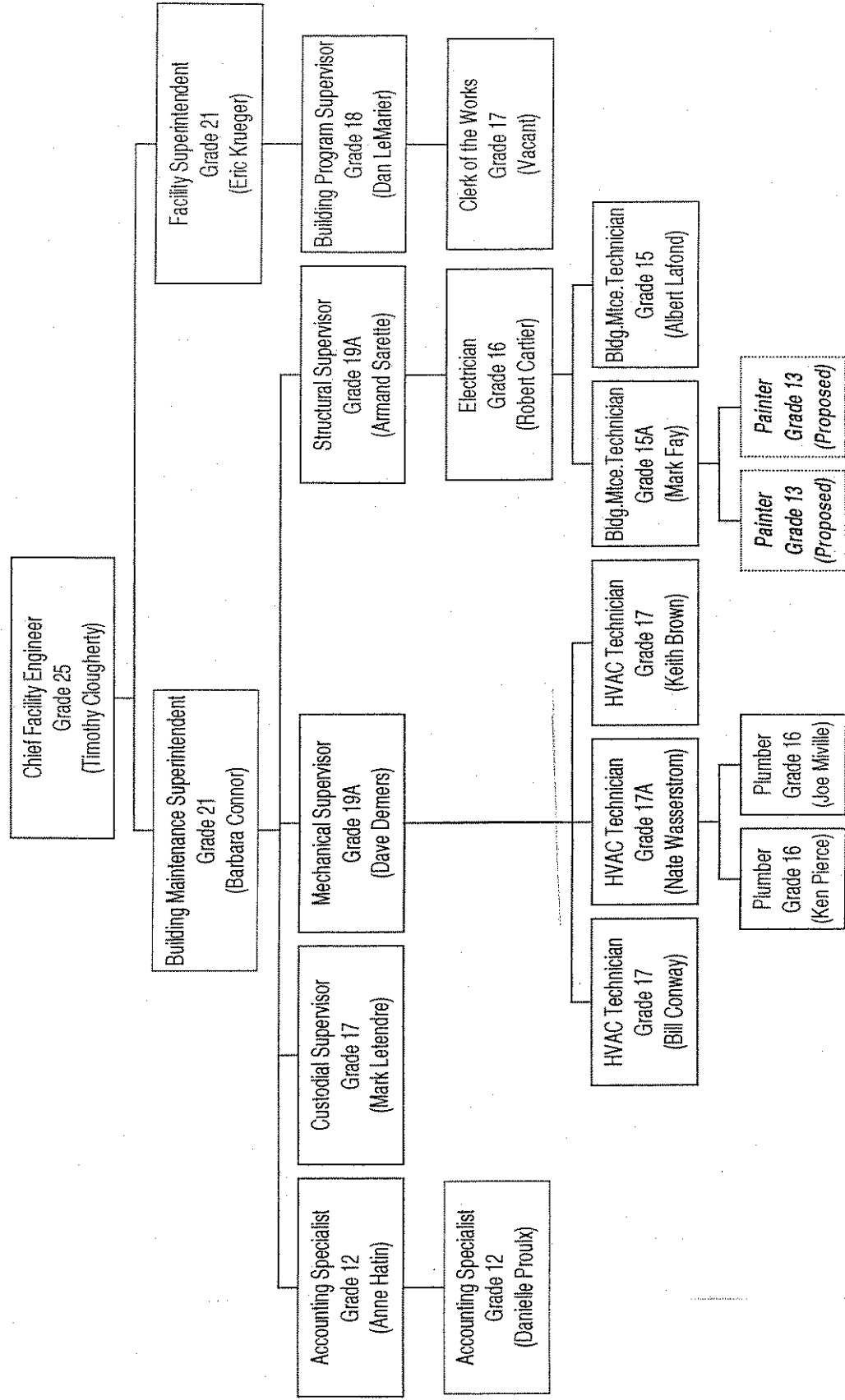
Respectfully submitted,

Virginia A. Lamberton
Human Resources Director

Attachments

Department of Highways

Facilities Division - Proposed New Job Classes



To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Human Resources/Insurance respectfully advises, after due and careful consideration, that it has approved Ordinance:

“Amending Section 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester.”

providing for a change that allows a part time employee to be granted a step increase upon satisfactory completion of 1,040 hours of work with additional step increases upon the satisfactory completion of 2,080 hours, and is recommending same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote, Alderman Garrity absent.)

Respectfully submitted,

At a meeting of the Board of Mayor and Aldermen

June 6, 2006 on a motion of Ald. DeVries

seconded by Duval the report

of the Committee accepted and its recommendations

(adopted) ~~(denied)~~

L. R. Bernier
City Clerk

Clerk of Committee

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

"Amending Section 33.062, Part-Time Employees, of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend Section 33.062, Part-Time Employees, of the Code of Ordinances by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.062 not struck through or bolded remains unchanged.

§ 33.062 PART-TIME EMPLOYEES.

(A) Any employee occupying a position designated as FLSA exempt who is regularly employed on a continuing work schedule of less than 40 hours per week shall be compensated by multiplying the base pay rate by the number of regular hours worked per week.

~~(B) An employee occupying a position designated as FLSA non-exempt and who is employed on a part-time basis shall be paid on an hourly basis according to the provision of §33.063 of this subchapter.~~ An employee occupying a position designated as FLSA non-exempt and who is employed on a part-time basis shall be paid on an hourly basis.

(C) A part-time employee may be granted a step increase upon satisfactory completion of 1,040 hours of work. A part-time employee may be granted an additional step increase upon the satisfactory completion of 2,080 hours. Said employee will be eligible for subsequent step increases upon the satisfactory completion of each 2,080 hours of work until said employee reaches the maximum step in the salary grade to which the employee is assigned.

II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Bills on Second Reading respectfully recommends, after due and careful consideration, that Ordinance:

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

ought to pass as amended.

(Unanimous vote)

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "L. A. Berman".

Clerk of Committee

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

CHAPTER 54: STORM WATER

Section

- 54.01 Purpose
- 54.02 Definitions
- 54.03 Administration
- 54.04 Prohibited discharges
- 54.05 Permit procedures and requirements
- 54.06 General Permit Provisions
- 54.07 Waivers
- 54.08 Industrial activity discharges
- 54.09 Access and inspections of properties and facilities
- 54.10 Notification of accidental discharges and spills
- 54.11 Violations, enforcement and penalties
- 54.12 Eligibility

§ 54.01 PURPOSE.

The purpose of this chapter is to:

(A) Protect, maintain, and enhance the environment of the City of Manchester, New Hampshire and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.

(B) Enable the City of Manchester to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR §122.26 for storm water discharges.

(C) Allow the City of Manchester to exercise the powers granted by the State of New Hampshire through applicable statute to:

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- (1) Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the City, whether or not owned and operated by the City;
- (2) Adopt any regulations deemed necessary to accomplish the purposes of this ordinance, including the adoption of a system of fees for services and permits;
- (3) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
- (4) Review and approve plans for storm water management in proposed subdivisions or commercial developments;
- (5) Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
- (6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, or condition of the permit;
- (7) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
- (8) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

§54.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST MANAGEMENT PRACTICES. Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City of Manchester, and that have been incorporated by reference into the Storm Water Regulations as if fully set out therein. (See Section 6A of the Storm Water Regulations for recommended Best Management Practices manuals.)

City of Manchester New Hampshire

In the year Two Thousand and Six

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

COMBINED SEWER DRAINAGE SYSTEM. A single pipe conveyance system intended to receive both sewage and storm or surface water.

CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

DEPARTMENT OF HIGHWAYS. The Highway Division of the City of Manchester.

DIRECTOR OF PUBLIC WORKS. The Chief Administrator of the Department of Highways who is authorized to assign Highway staff to oversee the implementation and enforcement of the Storm Water Regulations and the City of Manchester's Storm Water Ordinance.

DISCHARGE. Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked or placed by any means including any direct or indirect entry of any solid or liquid matter into the Municipal Separate Storm Sewer System.

ILLICIT CONNECTIONS. Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. "Illegal Connection" means either of the following:

(1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any discharge to the Municipal Separate Storm Sewer System that is not composed entirely of storm water and not specifically exempted under Section 2(J) of the Storm Water Regulations.

City of Manchester New Hampshire

In the year Two Thousand and Six

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

LAND DISTURBING ACTIVITY. Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling and excavation.

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4). The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT. A permit issued pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

PERSON. Any and all persons, including any individual, firm or association and any city or private corporation organized or existing under the laws of this or any other state or country.

POLLUTANT. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; sediment; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

POLLUTION. The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STATE WATERS. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of New Hampshire which are not entirely confined and retained completely upon the property of a single person.

STORM WATER. Storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

STORM WATER APPEALS COMMITTEE. A three-member committee consisting of a Highway Commissioner, an engineer from a private engineering firm and an engineer from the Department of Highways.

STORM WATER MANAGEMENT. The programs to maintain quality and quantity of storm water runoff to pre-development levels.

STORM WATER MANAGEMENT FACILITIES. The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

STORM WATER MANAGEMENT PLAN. The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, Best Management Practices, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan that clearly describes appropriate control measures that include a description of all pollution control measures (i.e., Best Management Practices) that will be implemented as part of the construction activity to control pollutants in storm water discharges and describes the interim and permanent stabilization practices for the site.

STORM WATER REGULATIONS. A supplement to the Storm Water Ordinance that includes additional conditions and requirements. Copies are available at the Department of Highways and the Office of the City Clerk.

City of Manchester New Hampshire

In the year Two Thousand and six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

STORM WATER RUNOFF. Flow on the surface of the ground, resulting from precipitation and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM WATER UTILITY. The Department of Highways and its duly authorized agents created by ordinance of the City to administer the Storm Water Management Ordinance, and other Storm Water Regulations adopted by the City.

STRUCTURAL BEST MANAGEMENT PRACTICES. Devices that are constructed to provide control of storm water runoff.

STRUCTURAL STORM WATER CONTROL. A structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

§ 54.03 ADMINISTRATION.

The Director of the Department of Highways or his designee shall administer the provisions of this ordinance and is hereby authorized to promulgate and amend such regulations as may be necessary and convenient to effectuate the purposes and enforce the requirements of this ordinance.

§ 54.04 PROHIBITED DISCHARGES.

The specific prohibited discharges outlined in the Storm Water Regulations are not inclusive of all discharges prohibited by this ordinance and the Storm Water Regulations.

§ 54.05 PERMIT PROCEDURES AND REQUIREMENTS.

(A) *Permit Required* - No land owner or land operator shall begin any site work on any building(s), grading or other land development or any land disturbance activities (as outlined in §54.06) without first submitting a Notice of Intent (NOI) to EPA Washington. Owner must also have received acknowledgement, have a Department of Highways approved Storm Water Pollution Prevention Plan and meet the requirements of this ordinance.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(B) *General Waiver Requirement.* - Every applicant shall provide for storm water management as required by this ordinance and the Department of Highways Storm Water Regulations unless a written request is filed to waive this requirement. Requests to waive the Storm Water Management Program requirements shall be submitted to the Department of Highways for approval.

(C) *Application Requirements* - Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity (as described in Section 4 of the Storm Water Regulations) shall secure required approvals through the City of Manchester’s Planning Board and shall submit to the Department of Highways proof of NOI submission and a copy of the Storm Water Pollution Prevention Plan, as approved by the Department of Highways, for related project before beginning any site clearing or construction.

§ 54.06 GENERAL PERMIT PROVISIONS.

(A) *Land Disturbance permits when required* - Every owner/operator will be required to obtain an EPA General Permit from the EPA through a Notice of Intent in the following cases:

- (1) Land disturbing activity disturbs one (1) or more acres of land;
- (2) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acres of land;
- (3) Land disturbing activity of less than one (1) acre of land, if in the discretion of City of Manchester such activity poses a unique threat to water, or public health or safety;
- (4) The creation and use of borrow pits (the excavation of soils from one area to be used in another area that would meet any of the criteria of 1, 2, or 3 above).

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 54.07 WAIVERS.

Every applicant shall provide for Storm Water Management as required by the Storm Water Regulations, unless a written request is filed to waive this requirement. Requests to waive the Storm Water Management Program requirements shall be submitted to the Director of Public Works for approval and must meet the requirements of 40 CFR §122.26(g).

§ 54.08 INDUSTRIAL ACTIVITY DISCHARGES.

All operators of landfills, hazardous waste treatment, disposal, and recovery facilities and industrial facilities are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, USC § 11023, and industrial facilities that the City determines are contributing a pollutant load to the Municipal Separate Storm Sewer System, which are sources of storm water discharges associated with industrial activity shall comply with the requirements outlined in the City's Storm Water Regulations.

§ 54.09 ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.

(A) The representative of the Department of Highways shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this ordinance.

(B) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the Department of Highways.

(C) The owner or operator shall allow the representative of the Department of Highways ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of a National Pollutant Discharge Elimination System Permit to discharge storm water.

(D) The Department of Highways shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Department of Highways to conduct monitoring and/or sampling of flow discharges.

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(E) The Department of Highways may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Department of Highways. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

(F) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Department of Highways and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

(G) Unreasonable delays in allowing the Department of Highways access to a facility shall be a violation of this ordinance.

(H) If the Department of Highways has been refused access to any part of the premises from which storm water is discharged, and the Department of Highways is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is an need to inspect and/or sample as part of a routine inspection and sampling program designated to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department of Highways may seek issuance of a search warrant from any court of competent jurisdiction.

§ 54.10 NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-storm water discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into storm water, the City of Manchester's separate storm sewer system, State Waters, or Waters of the U.S., said person shall immediately notify the Department of Highways and take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

City of Manchester New Hampshire

In the year Two Thousand and Six

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“Amending the Code of Ordinances of the City of Manchester by adding a new Chapter 54: Storm Water to Title V: Public Works.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

§ 54.11 VIOLATIONS, ENFORCEMENT AND PENALTIES.

(A) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of the City’s Storm Water Ordinance or the Storm Water Regulations. Any person who has violated or continues to violate these provisions may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Department of Highways is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Department of Highways is authorized to seek costs of the abatement as outlined in §54.11(F).

(B) Whenever the Department of Highways finds that a violation of this ordinance or the Regulations has occurred, the Public Works Director or designee may order compliance by written Notice of Violation. The Notice of Violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- (6) A statement that the determination of violation may be appealed to the Department of Highways Storm Water Appeals Committee by filing a written notice of appeal within five (5) days of service of notice of violation.

(C) Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges and illegal connections;

City of Manchester New Hampshire

In the year Two Thousand and Six

AN ORDINANCE

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- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs; and,
- (6) The implementation of pollution prevention practices.

(D) *Appeal of Notice of Violation* - Any person receiving a Notice of Violation may appeal the determination of the Department of Highways. The appeal must be received within five (5) days from the date of the Notice of Violation. Filing of an appeal does not relieve the owner from full compliance with the remedial actions outlined in the Notice of Violation. Hearing on the appeal before the Department of Highways, Storm Water Appeals Committee shall take place within thirty (30) days from the date of receipt of the appeal. The decision of the Storm Water Appeals Committee shall be final.

(E) *Enforcement Measures After Appeal* - If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the Department of Highways may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(F) *Costs of Abatement of the Violation* - Within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within fifteen (15) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within five (5) days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the City of Manchester by reason of such violation.

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(G) *Civil Penalties* - In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within two (2) days, or such greater period as the Department of Highways shall deem appropriate, after the Director of Public Works or designee has taken one or more of the actions described above, the Public Works Director may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(H) *Criminal Penalties* - For violations of the Storm Water Ordinance or the Regulations, the Director of Public Works may issue a citation to the alleged violator requiring such person to appear in court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 for each day the violation has occurred, or imprisonment for up to sixty (60) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(I) *Violations Deemed a Public Nuisance* - In addition to the enforcement process and penalties provided in this ordinance any threat to public health, safety, welfare and environment and is declared and deemed a nuisance, may be abated by injunctive or other equitable relief as provided by law.

(J) *Remedies Not Exclusive* - The remedies listed in this ordinance and the Regulations are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Manchester may seek cumulative remedies.

The City of Manchester may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

§ 54.12 ELIGIBILITY.

(A) *Permit Eligibility* - Permit eligibility is limited to discharges from “large” and “small” construction activity or as otherwise designated by the EPA. This general permit contains eligibility restrictions, as well as permit conditions and requirements. Permittee may have to take certain actions to be eligible for coverage under this permit. In such cases, permittee must continue to satisfy those eligibility provisions to maintain permit authorization. If permittee does not meet the requirements that are pre-condition to eligibility, then the resulting discharges constitute unpermitted discharges. By contrast, if permittee does not comply with the requirements of the general permit, permittee may be in violation of the general permit for their otherwise eligible discharges.

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(B) Combined Sewer Drainage Systems Discharges from “large” and “small” construction activity or as otherwise designated by the EPA that flow into a combined sewer system are not covered by the EPA’s Phase II Storm Water Program. A Notice of Intent does not need to be submitted to the EPA nor does the owner/operator have to receive acknowledgement from the EPA prior to the start of construction activity.

The City of Manchester is requiring in these instances that all other conditions as outlined in this ordinance or the Regulations shall apply to all construction activity as defined in §54.06 with the exception of submitting the Notice of Intent to EPA Washington. The requirements for determination of no impact status as outlined in the Endangered Species Act and Historic Preservation Act along with the completion of a Storm Water Pollution Prevention Plan as outlined in the Notice of Intent submission is still a mandatory submission to the City of Manchester and must follow the conditions as outlined in the EPA’s Notice of Intent.